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09/865,026	05/24/2001	Jose F. Bravo	SOM920010002US1	2893

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EXAMINER	
NGUYEN, JOSEPH D	
ART UNIT	PAPER NUMBER
2683	

DATE MAILED: 09/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/865,026	BRAVO ET AL.	
	Examiner	Art Unit	
	Joseph D Nguyen	2683	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *08 July 2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-26* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-26* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *24 May 2001* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-6, 8-26 are rejected under 35 U.S.C. 102(e) as being anticipated by Ueshima (6,731,731).

Regarding claim 1, Ueshima discloses a method for restricting access of a user to a restricted item (abstract, fig. 1, col. 3 lines 30-57), said method comprising the steps of:

a) providing a token (transmitting password) (col. 3 lines 30-57) to said user using a first communication channel

b) instructing said user to enter (input) said provided token using a cellular telephone that has been previously associated with said user (col. 3 lines 30-57); and

c) providing access to said user if said entered token matches said provided token and is received from a cellular telephone having a serial number previously associated with said user (#111 fig. 1, col. 3 lines 30-57).

Regarding claim 2, Ueshima further disclose the method of claim 1, further comprising the step of receiving a password (authentication) from said user before providing said token (col. 3 lines 30-38).

Regarding claim 3, Ueshima further discloses the method of claim 1, wherein said token is a pseudo-random number (one-time password) (col. 8 lines 27-32).

Regarding claim 4, Ueshima further discloses the method of claim 1, wherein said instructing step further comprises the step of instructing said user to dial an access control administrator (service provider) to enter said token (abstract, col. 9 lines 5-35).

Regarding claim 5, Ueshima further discloses the method of claim 4, further comprising the step of providing (inputting) said token to said access control administrator (col. 9 lines 32-35).

Regarding claim 6, Ueshima further discloses the method of claim 4, further comprising the step of providing a telephone number associated with said associated cellular telephone to said access control administrator (abstract, col. 3 lines 30-38).

Regarding claim 8, Ueshima further discloses the method of claim 4, wherein said access control administrator compares said token received from said user to said provided token (col. 12 lines 42-44).

Regarding claim 9, Ueshima further discloses the method of claim 4, wherein said access control administrator ensures that said token is received from a cellular

telephone having a serial number previously associated with said user (col. 9 line 51 thru col. 10 line 29).

Regarding claim 10, Ueshima further discloses the method of claim 1, wherein said instructing step further comprises the step of establishing a connection over a cellular network to said cellular telephone associated with said user and instructing said user to enter said token (#111 fig. 1, col. 5 lines 2-34, and col. 5 lines 2-34).

Regarding claim 11, Ueshima discloses a method for restricting access of a user to a restricted item (abstract, fig. 1, col. 3 lines 30-57), said method comprising the steps of:

a) providing a token (inputting password) to an access control administrator (col. 3 lines 42-43);

b) providing said token (transmitting password) to said user using a first communication channel (col. 3 lines 41-42);

c) instructing said user to dial a telephone number associated with said access control administrator using a cellular telephone that has been previously associated with said user to enter said provided token (#111 fig. 1, col. 5 lines 2-34, and col. 5 lines 2-34); and

d) providing access (allowing access) to said user if said entered token matches said provided token and is received from a cellular telephone having a serial number previously associated with said user (#111 fig. 1, col. 5 lines 2-34, and col. 5 lines 2-34).

Regarding claim 12, this claim is rejected for the same reason as set forth in claim 8.

Regarding claim 13, Ueshima further discloses the method of claim 11, further comprising the step of providing a cellular telephone number that has been previously associated with said user to said access control administrator (col. 5 lines 2-34) and wherein said access control administrator determines a cellular telephone number associated with a serial number of a cellular telephone from which said token was received (col. 6 lines 26-60) and compares said provided cellular telephone number with said determined cellular telephone number (col. 6 lines 26-60).

Regarding claim 14, Ueshima further discloses the method of claim 11, further comprising the step of receiving an indication from said access control administrator indicating that said entered token matches said provided token and was received from a cellular telephone having a serial number previously associated with said user (when the user is allowed to access which means it receives an indication of matching token) (fig. 1, col. 3 lines 30-57).

Regarding claim 15, this claim is rejected for the same reason as set forth in claim 2.

Regarding claim 16, this claim is rejected for the same reason as set forth in claim 3.

Regarding claim 17, Ueshima discloses a method for restricting access of a user to a restricted item (abstract, fig. 1, col. 3 lines 30-57), said method comprising the steps of:

a) providing a token (password) (col. 3 lines 30-57) to said user using a first communication channel;

b) establishing a connection over a cellular network to a cellular telephone associated with said user (#111-110 fig. 1);

c) instructing said user to enter said provided token using said cellular connection (col. 3, lines 42-43); and

d) providing access to said user if said entered token matches said provided token and is received from a cellular telephone having a serial number previously associated with said user (col. 3 lines 42-49).

Regarding claim 18, this claim is rejected for the same reason as set forth in claim 2.

Regarding claim 19, this claim is rejected for the same reason as set forth in claim 3.

Regarding claim 20, Ueshima discloses a system for restricting access of a user to a restricted item (abstract, fig. 1, col. 3 lines 30-57), comprising:

a) a memory (database) (#30 fig. 1, col. 10 lines 7-29) that stores computer-readable code; and

b) a processor operatively coupled to said memory, said processor configured to implement said computer-readable code, said computer-readable code (col. 6 line 26 thru col. 7 line 30) configured to:

c) provide a token (password) (col. 3 lines 30-57) to said user using a first communication channel;

d) instruct said user to enter (input password) said provided token using a cellular telephone that has been previously associated with said user (#111 fig. 1, col. 5 lines 2-34, and col. 5 lines 2-34); and

e) provide access to said user if said entered token matches said provided token and is received from a cellular telephone having a serial number previously associated with said user (col. 3 lines 45-49).

Regarding claim 21, Ueshima discloses a system for restricting access of a user to a restricted item (abstract, fig. 1, col. 3 lines 30-57), comprising:

a) a memory (database) (#30 fig. 1, col. 10 lines 7-29) that stores computer-readable code; and

b) a processor operatively coupled to said memory, said processor configured to implement said computer-readable code (col. 6 line 26 thru col. 7 line 30), said computer-readable code configured to:

c) provide a token (input password) to an access control administrator (col. 3 lines 42-43);

d) provide said token to said user using a first communication channel (col. 3 lines 38-42);

e) instruct said user to dial a telephone number associated with said access control administrator using a cellular telephone that has been previously associated with said user to enter said provided token (#111 fig. 1, col. 5 lines 2-34, and col. 5 lines 2-34); and

f) provide access to said user if said entered token matches said provided token and is received from a cellular telephone having a serial number previously associated with said user (col. 3 lines 45-49).

Regarding claim 22, Ueshima discloses a system for restricting access of a user to a restricted item (abstract, fig. 1, col. 3 lines 30-57), comprising:

a) a memory (database) (#30 fig. 1, col. 10 lines 7-29) that stores computer-readable code; and

b) a processor operatively coupled to said memory, said processor configured to implement said computer-readable code (col. 6 line 26 thru col. 7 line 30), said computer-readable code configured to:

c) provide a token (transmit password) to said user using a first communication channel (col. 3 lines 38-42);

d) establish a connection over a cellular network to a cellular telephone associated with said user (#110-111 fig. 1);

e) instruct said user to enter said provided token using said cellular connection (#111 fig. 1, col. 5 lines 2-34, and col. 5 lines 2-34); and

f) provide access to said user if said entered token matches said provided token and is received from a cellular telephone having a serial number previously associated with said user (col. 3 lines 45-49).

Regarding claim 23, Ueshima discloses a system for restricting access of a user to a restricted item (abstract, fig. 1, col. 3 lines 30-57), comprising:

a) means for providing a token to said user using a first communication channel (transmitting a password) (col. 3 lines 30-57);

b) means for instructing said user to enter said provided token using a cellular telephone that has been previously associated with said (#111 fig. 1, col. 5 lines 2-34, and col. 5 lines 2-34); and

c) means for providing access to said user if said entered token matches said provided token and is received from a cellular telephone having a serial number previously associated with said user (col. 3 lines 45-49).

Regarding claim 24, Ueshima discloses an article of manufacture for restricting access of a user to a restricted item (abstract, fig. 1, col. 3 lines 30-57), comprising:

a) a computer readable medium having computer readable code means (col. 6 lines 26-60) embodied thereon, said computer readable program code means comprising:

b) a step to provide a token (transmit a password) (col. 3 lines 38-42) to said user using a first communication channel;

c) a step to instruct said user to enter said provided token using a cellular telephone that has been previously associated with said user (#111 fig. 1, col. 3 lines 42-43); and

d) a step to provide access to said user if said entered token matches said provided token and is received from a cellular telephone having a serial number previously associated with said user (col. 3 lines 45-49).

Regarding claim 25, Ueshima discloses an article of manufacture for restricting access of a user to a restricted item (abstract, fig. 1, col. 3 lines 30-57), comprising:

a) a computer readable medium having computer readable code (col. 6 lines 26-60) means embodied thereon, said computer readable program code means comprising:

b) a step to provide a token to an access control administrator (col. 3 lines 42-45);

c) a step to provide said token to said user using a first communication channel (col. 3 lines 38-42);

d) a step to instruct said user to dial a telephone number associated with said access control administrator using a cellular telephone that has been previously associated with said user to enter said provided token (#111 fig. 1, col. 5 lines 2-34, and col. 5 lines 2-34); and

e) a step to provide access to said user if said entered token matches said provided token and is received from a cellular telephone having a serial number previously associated with said user (col. 3 lines 45-49).

Regarding claim 26, Ueshima discloses an article of manufacture for restricting access of a user to a restricted item (abstract, fig. 1, col. 3 lines 30-57), comprising:

a) a computer readable medium having computer readable code means (col. 6 lines 26-60) embodied thereon, said computer readable program code means comprising:

b) a step to provide a token to said user using a first communication channel (col. 3 lines 38-42);

c) a step to establish a connection over a cellular network to a cellular telephone associated with said user (#110-111 fig. 1);

d) a step to instruct said user to enter said provided token using said cellular connection (col. 3 lines 42-43); and

e) a step to provide access to said user if said entered token matches said provided token and is received from a cellular telephone having a serial number previously associated with said user (col. 3 lines 45-49).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ueshima (6,731,731) in view of Mabrouki (6,278,863).

Regarding claim 7, Ueshima further discloses the method of claim 4, to make the information processing device execute an operation of authenticating the user of an automatic financing device (col. 7 lines 53-55). However, Ueshima does not specifically disclose providing an amount for approval to said access control administrator.

Mabrouki teaches providing an amount for approval to said access control administrator (col. 2 lines 40-50). Therefore, it would have been obvious to one ordinary

skilled in the art at the time the invention was made to modify the Ueshima system with the teaching of Mabrouki of providing the amount for approval in order to make the payment by using the portable device.

Response to Arguments

5. Applicant's arguments, filed July 6, 2004, with respect to the rejection(s)of claim(s) 1-26 under Kenagy et al have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Ueshima (6,731,731) in view of Mabrouki (6,278,863).

6. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

Or faxed to: 703 308-9051, (for formal communication intended for entry)

Or: (703) 305-9509 (for informal or draft communications, please label "PROPOSED" OR "DRAFT").

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington. VA. Sixth floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph D Nguyen whose telephone number is (703) 605-1301. The examiner can normally be reached on 7:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on (703) 308-5318. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-0377.

Joseph Nguyen

Aug. 24, 2004

WILLIAM TROST
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600